IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.6862 of 1989

Date of Decision: 7.3.2007.

M/s Sohan Brick Industries and another

....Petitioners.

Versus

State of Punjab and another

...Respondents.

CORAM : Hon'ble Mr. Justice Rajesh Bindal.

Present:- None for the petitioners.

Ms.Urvashi Dhugga,AAG Punjab.

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RAJESH BINDAL, J.

This order will dispose of C.W.P. Nos.6862, 8677, 8809, 9255 , 9349, 9532, 9569, 10483 of 1989, 852, 7723, 7738, 7740, 8544, 3342, 3343, 7724 to 7733 and 7741 of 1990. However, the facts have been extracted from C.W.P. No.6862 of 1989.

The challenge in the present writ petition is to the notice issued to the petitioners under Rule 54-C(5) of the Punjab Minor and Mineral Concession Rule 1964, (for short 'the Rules') for recovery of royalty on brick on account of brick earth excavated by the petitioner for the purpose of making bricks.

Learned counsel for the respondents has referred to the orders passed by this Court earlier raising similar issue. The issue has been gone into in detail in LPA No.622 of 1986 decided by this Court on 24.8.1990.

In the present case, the respondents are yet to take a final decision in the matter as only show cause notice has been issued. Since the facts are yet to be gone into by the authorities as regard the rights of the land owners or the State in the brick earth removed from the land in question, I find appropriate to remit the matter to the Assessing Authority to deal with the issue after affording appropriate opportunities to the petitioners and keeping in view the law laid down by this Court on the subject.

Since no one has put in appearance on behalf of the petitioners, the Assessing Authority will issue a fresh notice to the petitioners for appearance before it.

The writ petitions are disposed of in the manner indicated above.

(RAJESH BINDAL)
JUDGE

March 7, 2007.
Reema